

T O U R F R I E N D S A N D C L I E N T S
M e m o r a n d u m



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IRS Offers Relief for Filing 2008 FBARs

We previously advised about significant uncertainties that exist with respect to the recently revised Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts and related instructions (the "FBAR") (most significantly, with regard to whether U.S. persons who hold interests in offshore hedge funds or offshore private equity funds are required to file FBARs with respect to such interests). For a more detailed discussion of this issue, please see our client memorandum dated June 17, 2009, entitled "[Uncertainties Regarding Applicability of FBAR Filings due June 30, 2009.](#)"

Today, the IRS announced relief for certain taxpayers with regard to FBAR filings due June 30, 2009, by updating previously released "Frequently Asked Questions" on the IRS website. The relief, which provides that the FBAR may be filed by September 23, 2009, without penalty, is limited to taxpayers who timely report and pay tax on all of their 2008 taxable income, but only recently learned of their FBAR filing obligations and have insufficient time to gather the necessary information to file the FBAR by June 30, 2009. The updated Frequently Asked Questions also address certain other aspects of the filing requirements.

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If you have any questions about the contents of this memorandum, please call your regular Fried Frank contact or the attorneys listed below:

Authors and Contributors:

New York

[David I. Shapiro](mailto:David.I.Shapiro@friedfrank.com)
[Brian Kniesly](mailto:Brian.Kniesly@friedfrank.com)

+1.212.859.8039
+1.212.859.8126

david.shapiro@friedfrank.com
brian.kniesly@friedfrank.com

Fried, Frank, Harris, Shriver & Jacobson LLP

New York

One New York Plaza
New York, NY 10004
Tel: +1.212.859.8000
Fax: +1.212.859.4000

Washington, DC

1001 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: +1.202.639.7000
Fax: +1.202.639.7003

Frankfurt

Taunusanlage 18
60325 Frankfurt am Main
Tel: +49.69.870.030.00
Fax: +49.69.870.030.555

Hong Kong

In association with
Huen Wong & Co.
9th Floor, Gloucester Tower
The Landmark
15 Queen's Road Central
Hong Kong
Tel: +852.3760.3600
Fax: +852.3760.3611

Shanghai

40th Floor, Park Place
1601 Nanjing Road West
Shanghai 200040
Tel: +86.21.6122.5500
Fax: +86.21.6122.5588

Fried, Frank, Harris, Shriver & Jacobson (London) LLP

London

99 City Road
London EC1Y 1AX
Tel: +44.20.7972.9600
Fax: +44.20.7972.9602

Fried, Frank, Harris, Shriver & Jacobson (Europe)

Paris

65-67, avenue des Champs Elysées
75008 Paris
Tel: +33.140.62.22.00
Fax: +33.140.62.22.29